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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,014	12/29/2003	Patrick Daly		8401

7590 06/08/2005

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EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 06/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/749,014

Applicant(s)

DALY, PATRICK

Examiner

Robert M. Fetsuga

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. The drawings are objected to because reference character "31A" (pg. 14 ln. 6) is missing.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "rotatable control valve" set forth in claim 5, and the subject matter set forth in claim 6, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR

1.121(d)..If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites a base "adapted for snap fitting" and a water spout "adapted for removably mounting". Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. Initially, it is noted the phrase "snap fitting" is not described. The mere existence of grooves and either a spring 22 or o-ring 17 does not necessitate any "snap fit" relationship, and actually would appear to preclude any "removable" mounting connection. In any event, the combination of base and spout connections/mountings is not disclosed in Figs. 9 and 10 in the manner that such subject matter is recited in the claims.

3. Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in

Art Unit: 3751

the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites a water spout "adapted for removably mounting... without interconnecting to standard water faucet supply plumbing fixtures." Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. No source of water to supply the spout has even been disclosed, let alone a source that is not "standard".

4. Claim 6 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Implementation of the subject matter set forth in the claim is neither taught by the instant disclosure nor evident to the examiner. Fig. 6 fails to teach the claimed subject matter.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

Art Unit: 3751

application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Buchner et al.

The Buchner et al. (Buchner) reference discloses a modular faucet device comprising: a plumbing fixture mounting component 16 including a bottom end having attaching means 32, and a top end (at 54); and a faucet component including a base/spout 24, and a handle (controlling flow through 12 or 14), as claimed. The device includes an o-ring (58 or 60) in a groove (54 or 56) and therefore is considered to meet the "snap fitting" limitation.

7. Claims 1, 2 and 5, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchner and Schmitt.

Although the handle of the Buchner faucet device may not include a screw and protrusion, as claimed, attention is directed to the Schmitt reference which discloses an analogous faucet device which further includes a handle 13 having a screw 14 and protrusion 15. Therefore, in consideration of Schmitt, it would have been obvious to one of ordinary skill in the faucet handle art to associate a screw and protrusion with the Buchner faucet handle in order to utilize an accepted handle connection scheme.

8. Claims 1-4, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris and Wagner.

The Morris reference discloses a modular faucet device comprising: a plumbing fixture mounting component 2 including a bottom end having attaching means 15, and a top end 11; and a faucet component including a base/spout 3 having a removable connection 27,30, and a handle (col. 1 ln. 40). Therefore, Morris teaches all claimed elements except for the removable connection being mating grooves and a spring/o-ring.

Although the removable connection of the Morris faucet device does not include mating grooves and a spring/o-ring, as claimed, attention is directed to the Wagner reference which discloses an analogous faucet device which further includes a removable connection having mating grooves 18,24 and a spring/o-

Art Unit: 3751

ring 26/17. Therefore, in consideration of Wagner, it would have been obvious to one of ordinary skill in the faucet art to associate mating grooves and a spring/o-ring with the Morris faucet device in order to facilitate assembly without the use of tools.

9. Claim 5, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris and Wagner as applied to claim 1 above, and further in view of Schmitt.

To associate a screw and protrusion with the Morris faucet handle would have been obvious to one of ordinary skill in the art in consideration of Schmitt analogous to the discussion supra.

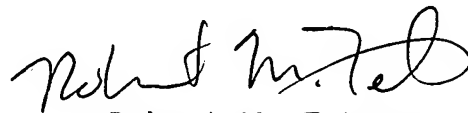
10. Claim 6, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Morris and Wagner as applied to claim 1 above, and further in view of Aldred et al.

Although the spout of the Morris faucet does not include a hose, as claimed, attention is directed to the Aldred et al. (Aldred) reference (Fig. 28) which discloses an analogous faucet which further includes a spout 2800 having a hose 2610. Therefore, in consideration of Aldred, it would have been obvious to one of ordinary skill in the faucet art to associate a hose with the Morris spout in order to provide a safe water path.

Art Unit: 3751

11. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

12. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga", with a stylized, cursive script.

Robert M. Fetsuga  
Primary Examiner  
Art Unit 3751